

TENTATIVE RULINGS for CIVIL LAW and MOTION
July 30, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942
Department One: (530) 406-6888

TENTATIVE RULING

Case: **Barr v. Regents of The University of California**
Case No. CV CV 08-2136

Hearing Date: **July 30, 2009** **Department Fifteen** **9:00 a.m.**

Defendants' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff Cheri Barr’s Motion For Leave To File A Second Amended Complaint (“SAC”) is **DENIED**. (Code of Civ. Proc., §§ 425.10 & 473; Cal. Rules of Court, rules 3.1110 et seq. & 3.1324.) The motion does not comply with Code of Civil Procedure section 425.10 and California Rules of Court, rules 3.1110 et seq. and 3.1324. The procedural defects in the motion preclude the Court from reaching, or even identifying, the substantive merits of the motion.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.

TENTATIVE RULING

Case: El-Badry v. Antibodies, Inc.
Case No. CV CV 05-949

Hearing Date: **July 30, 2009** **Department One** **9:00 a.m.**

Plaintiff Abdalla M. El-Badry's motion for reconsideration, for relief from and to set aside the Court's May 7, 2009, order is **GRANTED IN PART**. (Code Civ. Proc., §§ 177.5, 473 & 1008.) There was no request for sanctions against plaintiff's counsel in defendant's ex parte application filed on April 29, 2009. Therefore, the Court finds that plaintiff counsel was not given notice of the sanctions request. Accordingly, the May 7, 2009, order shall be modified to reflect that only plaintiff Abdalla M. El-Badry is ordered to pay sanctions to the Court in the amount of \$1,500.00. (Code Civ. Proc., §§ 177.5, 473 & 1008.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Ramos v. St. John**
Case No. CV CV 08-3177

Hearing Date: **July 30, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff's motion to quash the subpoena for collateral source information is **GRANTED**. (Code Civ. Proc., §§ 1985.3(g) & 1987.1.) Defendant has not shown how the discovery of the collateral source information is relevant or reasonably calculated to lead to the discovery of relevant admissible evidence or how "this information is "central to defendant Stephanie Prices' ability to adequately prepare a defense for trial." (*Helpend v. Southern Cal. Rapid Transit Dist.* (1970) 2 Cal.3d 1; *Norton v. Superior Court* (1994) 24 Cal.App.4th 1750; *Valley Bank of Nevada v. Superior Court of San Joaquin* (1975) 15 Cal.3d 562.)

Defendant shall modify the deposition subpoenas and eliminate the following language: ". . . 2) . . . including the source of these payments . . . including but not limited to Medi-Cal, Medicare, and Medicaid payments, HMO or PPO payments, and contractual or agreed reimbursements, writeoffs and adjustments, . . . 3) Documents of any kind reflecting patient's Medi-cal, Medicare, or MediCaid identification, eligibility inquiries, eligibility status, your provider number, claims for reimbursement submitted, all ledgers or other records showing posting of Medi-Cal or Medicare payments, records showing amount of Medi-Cal, Medicare, or Medicaid authorized payments, whether or not received."

Plaintiff's request for sanctions is **GRANTED**. (Code Civ. Proc., § 1987.2, subd. (a).) Defendant Stephanie Price shall pay plaintiff \$1,040.00 by August 31, 2009.

Plaintiff's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).) However, the Court finds that the tentative ruling set out in Fresno Superior Court Case No. 08CECG02195 is not binding on this Court.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.